FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6658 OF 2005
IN
CRIMINAL APPEAL NO. 782 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Coram, : Court's or Judge's Orders

Mr. A.R. Rasal for applicant/appellant
Mr. S. S. Pednekar, APP

CORAM: SMT. RANJANA DESAI &
ANOOP V. MOHTA, **JJ.**
DATED: 18/10/2005

P.C.:-

The applicant is convicted for offence under Section 302 of the I.P.C. and sentenced to life imprisonment. Appeal has been admitted. We are considering his bail application.

2. We have heard the learned counsel appearing for the applicant and the learned APP.

3. Admittedly there is no eye-witness to the incident in question. The police have recorded

the dying declaration of the deceased in which the deceased is said to have implicated the applicant. There is no dying declaration recorded by the Special Executive Magistrate. The other circumstances are finding of blood stains on the clothes of the accused and on the chopper recovered at the instance of the accused. However, the chemical analyser's report says that blood found on the clothes is human blood. It appears that the group could not be identified.

4. Considering the fact that the applicant was on bail in the trial court; that there is no eye-witness to the incident in question and that dying declaration is not recorded by the Special Executive Magistrate, we are of the opinion, that the applicant should be released on bail after imposing stringent condition on him. Hence the following order:

a) Applicant Anis Rehman Azizur Rehman Chaudhary is ordered to be

released on bail in the sum of Rs.20,000/- with one or two sureties to make up the amount.

b) While on bail, the applicant shall report to Malad Police Station once in three months.

c) Application is disposed of.

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